

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

SANOFI-AVENTIS and	)	
SANOFI-AVENTIS U.S. LLC,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 07-792 (GMS) (MPT)
	)	
APOTEX INC. and APOTEX CORP.,	)	
	)	
Defendants.	)	

**PLAINTIFFS' MOTION TO ENJOIN THE PARTIES FROM PROSECUTING  
SECOND FILED, DUPLICATIVE LITIGATION**

Plaintiffs sanofi-aventis and sanofi-aventis U.S. LLC. hereby move to enjoin the parties from prosecuting the second filed, duplicative action in the Southern District of Florida. The grounds for this motion are set forth in Plaintiffs' Opening Brief In Support Of Its Motion To Enjoin The Parties From Prosecuting Second Filed, Duplicative Litigation. A proposed form of Order is attached hereto as Exhibit 1.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ James W. Parrett, Jr. (#4292)*

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March 4, 2008  
1751384

**RULE 7.1.1 CERTIFICATION**

I hereby certify that counsel for sanofi-aventis has raised the subject of the foregoing motion with counsel for Apotex, and that the parties have not been able to reach agreement on the issues raised in the motion.

*James W. Parrett, Jr. (#4292)*

James W. Parrett, Jr. (#4292)

**CERTIFICATE OF SERVICE**

I hereby certify that on March 4, 2008 I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing to:.

Richard L. Horwitz, Esquire  
POTTER ANDERSON & CORROON LLP

I further certify that I caused to be served copies of the foregoing document on March 4, 2008 upon the following in the manner indicated:

Richard L. Horwitz, Esquire  
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*VIA ELECTRONIC MAIL  
And HAND DELIVERY*

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Chicago, IL 60606

*VIA ELECTRONIC MAIL*

*/s/ James W. Parrett, Jr. (#4292)*

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James W. Parrett, Jr. (#4292)

# EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

SANOFI-AVENTIS and  
SANOFI-AVENTIS U.S. LLC,  
Plaintiffs,

vs.

APOTEX INC. and  
APOTEX CORP.,  
Defendants.

C.A. No. 07-792 (GMS) (MPT)

**[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION TO ENJOIN  
SECOND FILED, DUPLICATIVE LITIGATION**

IT IS HEREBY ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2008, that  
Plaintiffs' Motion to Enjoin Second Filed, Duplicative Litigation is GRANTED.

\_\_\_\_\_  
United States District Judge